

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WARREN BERES, <i>et al.</i> ,)	
)	
Plaintiffs,)	Nos. 03-785L, 04-1456L, 04-
)	1457L, 04-1458L, 04-1459L,
v.)	04-1463L, 04-1465L, 04-
)	1466L, 04-1467L, 04-1468L,
UNITED STATES,)	04-1469L, 04-1471L, 04-
)	1472L, 04-1473L, 04-1474L
Defendant.)	
)	The Honorable Marian Blank Horn
)	
)	

DECLARATION OF WILLIAM HUGHES

I, William Hughes, make the following declaration:

1. I am a United States citizen, a resident of the State of Washington, over the age of twenty-one, have personal knowledge of the facts stated here in and am competent to testify to the matters stated in this Declaration. I am one of the heirs of the Hughes Estate, a plaintiffs in *Nelson v. United States*, No. 04-1465L. I am the son of William and Betty Hughes. My father's mother was Gertie Gorman Hughes.

2. I and my wife live on property in Government Lot 1 that was formerly owned by my parents and my grandmother, Gertie Gorman Hughes. This property is on the east side East Lake Sammamish Parkway which is east of the railroad right of way. We have lived there since 1980.

west side of the railroad right of way for a variety of recreational purposes. The right of way was primarily used for access and parking. There was a driveway that crosses the railroad right of way and then ran north on the western half of the railroad right of way to access the property along the lake also in Government Lot 1. The right of way was also used as a source of firewood for use in the fire pits in the area west of the right of way. The area that was used for recreation purposes was in both Government Lot 1 and Government Lot 2.

4. The area just west of the right of way was used every year for several decades at least through 1960s to 2000s for recreational purposes. The family built a picnic shelter which was approximately 20 feet x 30 feet. It was located on the border of the western edge of the railroad right of way. The shelter straddles Government Lot 1 and Government Lot 2. There is a fire pit that was built in the 1950s approximately 10 feet by 10 feet, just north of the shelter. South of the shelter were two horseshoe pits installed in 1977 and used until 2000, with a pitch located regulation distance for horseshoes of 40 feet and the pitch ran generally parallel with the right of way edge.

5. Our family had several picnic tables. Our mother had a big family and we would have 50 or 60 people who would come for picnics and recreational purposes during the summer.

6. There is a masonry rock cook stove that was used for outdoor cooking on the western side of the railroad right of way. I believe it was built before I was born. It was on the path from the house I lived in as a child to the beach. My parents had

two families who were friends that would camp at the north end of the northern lot on many summer weekends in the 1950s and early 1960s.

7. These two lots, the southern lot in Government Lot 1 and the northern lot in Government Lot 2 were used every summer for picnicking, boating, swimming, hosting parties and a variety of recreational purposes. Firewood was cut on the property and in the right of way and stored for campfires. Our children grew up playing on these two lots including the entirety of the adjoining railroad right of way.

8. No one at any time challenged our family's ownership of the uplands on the southern lot in Government Lot 1 or the northern lot in Government Lot 2. No one challenged our ownership or the right of way on Government Lot 1 or Government Lot 2.

9. Attached hereto as Exhibit A is a true and correct copy of a photograph of a homemade bench with my son lying underneath in the shade. In the background are cement blocks which were used for a fire pit where we would cook food for picnics. The handwriting in Exhibit A is my wife's and I agree that this photo was probably taken in 1987.

10. Attached hereto as Exhibit B is a true and correct copy of a photograph taken in 1998 in the top picture my son Jonathan and my daughter Veronica are standing. Behind my son is a fire pit outlined in cement blocks. While the construction is different from that in Exhibit A, it is generally in the same location and the same size. In the background of the lower picture, the bench our family

called the “watermelon bench” is shown, a place where family members would sit and eat watermelon in the summer.

11. Attached hereto as Exhibit C is a true and correct copies of photographs taken in approximately 1990. The lower photograph shows the interior of the picnic shelter and the type of summer use we made of this area.

12. Attached hereto as Exhibit D is a true and correct copy of photographs taken in 1997. The fire pit, the bench and stacked fire pit can be see along with my daughter family and friends.

13. Attached hereto as Exhibit E is a true and correct copy of a diagram I received from Eric LaBrie of ESM Consulting Engineers. I met Mr. LaBrie at the property at issue on January 4, 2018. The uses depicted in Exhibit E are generally accurate. Our family used all of the lands in the railroad right of way and in the land to the west of the railroad right of way for several decades. We used it as if it belonged to my parents and no one ever objected to our regular use of this property.

14. In the late 1980s, my parents were interested in selling some property. They learned from King County that the subdivision process would be time consuming, but that they could do a boundary line adjustment. My parents agreed to add more property to our lot through this process if I paid for surveying and other costs that might be associated with the adjustment. As a result, my parents were able to sell property to the Kao family. My parents specifically excluded the county road and all of the right of way from the property they sold to the Kaos. I understood from them

that they wanted the railroad right of way, the land under the county road and the land west of the right of way to remain in the family's ownership.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and was executed by me this 29th day of January, 2018, at Bellevue, Washington.



William Hughes



7/87
Jonathan Patrick Hughes
at Beach

S&K 252

Ex. 12A-1













